

**MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF JASPER  
JUNE 22, 2010**

The Board of Public Works and Safety of the City of Jasper, Indiana, met in regular session on Tuesday, June 22, 2010, in the Council Chambers of City Hall located at 610 Main Street.

**CALL TO ORDER**

The meeting was called to order at 8:00 a.m. by Thomas R. Schmidt.

Clerk-Treasurer Juanita S. Boehm announced that Mayor Schmitt appointed Thomas R. Schmidt to serve as Acting-Executive while the Mayor is out of the country; therefore, Thomas Schmidt will serve as presiding officer for this meeting.

**ROLL CALL**

Acting-Executive Thomas R. Schmidt	Present
Board member Ambrose 'Butch' Schitter	Present
Mayor William J. Schmitt	Absent

Also present were Police Chief Douglas Tarvin, Assistant Street Commissioner Jeff Theising, City Engineer Chad Hurm, Personnel/Safety Director Charles Schneider, Building Commissioner David Seger, Fire Chief Kenneth Hochgesang, City Attorney Sandra Hemmerlein and Clerk-Treasurer Juanita S. Boehm.

Clerk-Treasurer Boehm announced that in order to have a quorum for the meeting, a majority of the board members must be present. Two of the three board members were present, which is a majority; therefore, there was a quorum for the meeting.

**PLEDGE OF ALLEGIANCE**

Thomas Schmidt invited all those present to join him in reciting the Pledge of Allegiance.

**APPROVAL OF THE MINUTES**

The board members examined the minutes of the regular meeting held on June 8, 2010. Thereafter, a **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to approve the minutes. Motion carried 2-0.

**STREET CLOSING FOR NEIGHBORHOOD PARTY**

Andy Welsh, representing the Grassland Hills neighbors, asked permission to close off the south corner of Grassland Hills Road and Fox Ridge Drive to the south end of the Harpenau property which is approximately 400 feet for a neighborhood party with fireworks. Welsh said they want to close that portion of the road from 10:00 a.m. on July 3, 2010 until noon on July 4<sup>th</sup>. He said they want the road to remain closed until noon on the 4<sup>th</sup> so they have time to cleanup the mess that was created from the July 3<sup>rd</sup> fireworks.

City Attorney Sandra Hemmerlein said the City is not giving Mr. Welsh permission to do fireworks and reminded him that one cannot discharge fireworks on city streets. Welsh said they will be discharging the fireworks from a yard, not the street.

**A motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to grant the Grassland Hills subdivision permission to close the street from 10:00 a.m. July 3<sup>rd</sup> to noon on July 4<sup>th</sup> for a neighborhood party. Motion carried 2-0.

### **ENCROACHMENT REQUEST**

Gerald Miller representing Memorial Hospital and Health Care Center and Kevin Tretter representing Seufert Construction said at the last meeting they asked to encroach upon a sanitary sewer and storm water easement in order to build a Healing Garden near the hospital. The request was tabled until more information was obtained.

Miller said since that meeting they met with City officials and discussed the sanitary sewer line and the storm sewer in that area. He showed a diagram of the area and said the hospital agreed to accept responsibility for the sanitary sewer from manhole to manhole and for the storm sewer in that area. Miller said Hemmerlein drafted an agreement which has been signed by the hospital.

Miller then requested permission to encroach on the easement for the landscaping, fence and trellis that is part of the Healing Garden.

City Attorney Sandra Hemmerlein noted that the hospital agreed to take responsibility for a certain part of the sanitary sewer line and storm sewer but they are still part of public lines and the City still has the right to go in and make repairs under certain circumstances at the hospital's expense such as if there is damage and the repair is not made in a timely manner.

**A motion** was made by Thomas Schmidt and seconded by Ambrose 'Butch' Schitter to approve the encroachment with the document City Attorney Hemmerlein has prepared. Motion carried 2-0.

### **DOWNTOWN MERCHANTS SUMMER CELEBRATION**

Kay Roth and Ann Recker representing the Downtown Merchants said the merchants are having a Celebrate Summer shopping night from 6:00 p.m. to 9:00 p.m. on Friday, July 9, 2010 and asked permission to place a grill on the sidewalk between the Chocolate Bliss and Impulse stores in order to grill hamburgers and hot dogs. There will be music around the Square. Fire Chief Kenny Hochgesang said if they provide entertainment they will need to obtain an entertainment permit from the State.

**A motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to grant the Downtown Merchants permission to set up a grill on July 9, 2010 from 6:00 p.m. to 9:00 p.m. Motion carried 2-0.

## **TOURISM SIGNAGE PROGRAM**

Kristen Ruhe, representing the Dubois County Visitors Center and Tourism Commission, said they are working on a county-wide tourism signage program. They have an agreement with INDOT approving 28 sign locations. She showed a photo of the signs. Ruhe asked permission to place informational signs at the following locations in the City:

- On Newton Street near SVB&T and Jared Brosmer
- On Newton Street between 7<sup>th</sup> and 8<sup>th</sup> Streets near Corner Deli and GAB
- On Newton Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets near Don Hopster Insurance
- 3<sup>rd</sup> Avenue near GAB south office
- Near Azura and the Mill prior to crossing the north side of the bridge

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to grant Dubois County Tourism permission to locate informational signs in the City right-of-way where indicated. Motion carried 2-0.

## **PARKING SPACES FOR BEER GARDEN TRAILER**

Scott Meneilly, representing the Jasper Jaycees, asked permission to park a trailer on two parking spaces located on the north side of 4<sup>th</sup> Street between Jackson and Main Street from Friday, July 30, 2010 through Tuesday, August 10, 2010. The trailer is used for the Strassenfest to hold supplies for the beer garden.

A **motion** was made by Thomas Schmidt and seconded by Ambrose 'Butch' Schitter to approve parking a trailer there. Motion carried 2-0.

## **PLACE A DUMPSTER ON 7<sup>TH</sup> STREET**

Brent Kress said he bought the Babies n Bloom building and wants to remodel the upstairs. He requested permission to place a dumpster on the south side of 7<sup>th</sup> Street between Main and Newton Streets, which is near Dr. Bartley's Office, from July 9<sup>th</sup> through July 12 or the following weekend.

City Attorney Sandra Hemmerlein suggested Kress notify Bartley's office about this matter. Building Commissioner Dave Seger reminded the Board that the Downtown Merchants have their Celebrate Summer event on July 9<sup>th</sup>. Ambrose 'Butch' Schitter then asked Kress if he could do the work from July 16<sup>th</sup> to the 19<sup>th</sup>. Kress said those dates were acceptable.

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to allow Brent Kress to put a dumpster on 7<sup>th</sup> Street between Main and Newton Streets from July 16 to July 19, 2010. Motion carried 2-0.

## **EASEMENT**

Phil Buehler with Brosmer Land Surveying and representing S & D Properties [Drs. Steve Hopf and Scott Beckman] said they have a Clinic located on the west side of Dorbett Street and plan to expand their building as well as build a new patient parking lot that connects to the current lot that will allow one to come out of the existing parking lot onto Dorbett Street. A 20 ft easement for the storm sewer to drain the retention area for S & D Properties is needed. The storm sewer will be located on the west side of Dorbett, south of 9th. Ray and

Nancy Larkin own that property and will need to grant the City an easement. Dr. Hopf has approached the Larkins and they have granted the easement to the City.

Buehler asked the City to take over the storm sewer and accept the easement from the Larkins upon final approval of the drainage plan and proper installation of the storm sewer.

City Engineer Chad Hurm said the City has not received the drainage plan. Hurm also said receiving an easement from a third party is not a normal situation. Hurm said normally I would review and approve the drainage plan, then the storm sewer would be installed and inspected to make sure it was completed to the City's satisfaction. The Board would then be asked to accept the infrastructure for future maintenance and an easement would be granted to the City by the developer who is also the property owner.

City Attorney Sandra Hemmerlein said the City is not ready to sign and record the easement because the drainage plan has not been approved. Several other matters that are the developer's responsibility were discussed such as, properly installing the storm sewer, seeding and repairing any settling of the ground, replacing Larkin's sidewalk that will be affected by the work, restoring the area disturbed by the work to the City's and property owner's satisfaction. Any damages done to other City infrastructure because of the construction would need to be repaired by the developer to the City's satisfaction.

Hemmerlein said the recording of the easement does not mean the City has accepted the infrastructure. The actual acceptance of the infrastructure needs to be done by the Board when the project is completed.

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to accept the easement after the drainage plan has been approved and give the Mayor permission to sign the easement after all concerns have been addressed and all assurances are received that the Mayor deems necessary that the project will be completed to the City's specifications. Motion carried 2-0.

#### **STREET DEPARTMENT REPORTS**

**Microsurfacing.** Assistant Street Commissioner Jeff Theising said phase II of the micro paving began. The contractors are working at Manor Drive, 34<sup>th</sup> Street, and Wilhelm Strasse today and at Reyling Drive tomorrow.

**Close streets.** Theising said County Engineer Jason Heile received permission from the County to place concrete box culverts in Meridian Meadows at Cedarcrest Court and Timberbrook Court. They plan to start in mid August. Because they are cul-de-sacs, they plan to close one-half of the street at a time. They estimate closing each location for two weeks. Maplecrest Blvd is scheduled for 2011.

#### **CITY ENGINEER REPORTS**

**MS4 audit.** City Engineer Chad Hurm said the audit was last Tuesday and it went well. There are a few things we need to address.

**Walking path.** Hurm said the walking path project is on hold. Knies is paving areas elsewhere.

**4th Street Project.** Hurm said he is waiting on some numbers from the contractor.

#### **NEW EASEMENT-BOHN VILLA SUBDIVISION**

City Engineer Chad Hurm said at the May 25, 2010 meeting, the City released a 20 ft. easement on the south side of Lot 13 in the Bohn-Villa subdivision to William J. Pfister and Pfister granted the City a permanent utility and drainage easement for part of Lot 12 and part of Lot 13 in the Bohn-Villa subdivision. Since that time John Haas purchased Lot 13 and the south half of Lot 12 and Dennis and Patricia Ann Mehringer purchased the north half of Lot 12. The deeds were recorded yesterday.

Mr. Haas applied for a building permit and plans to build across the current easement therefore he requests that the easement on the shared lot be released and a 20 ft. easement on the north half of Lot 12 be granted.

A **motion** was made by Ambrose ‘Butch’ Schitter and seconded by Thomas Schmidt for the Mayor to accept and approve a 20 foot Public Utility and Drainage Easement from Dennis and Patricia Ann Mehringer on the north half of Lot No. 12 in Bohn Villa Subdivision and after the easement is received from the Mehringer’s then release the 20 foot easement that is along the property line of Lot 12 and Lot 13 in Bohn Villa Subdivision to John Haas. Motion carried 2-0.

#### **HIGH WEED COMPLAINTS**

Fire Chief Kenneth Hochgesang reported to the board the names of property owners and the locations that have been cited under 5.12.040 weed removal/notice. The names and locations are as follows:

<b>Owners</b>	<b>Location</b>
Brian and Karla Neukam	Lot behind home PT SE NE 35-1-5-.93A
Primitivo Renteria Jr.	North Brook Park Lot 7
Bradley and Patricia McCollum	1026 W Division Road PT SW SE 34-1-5 .40A

#### **FIREFIGHTERS STATUS CHANGE**

Fire Chief Kenneth Hochgesang said the first anniversary is approaching for the five firefighters who were hired June 29, 2009. He recommended changing the status for Michael W. Decker, Bret J. Vaal, Tyler L. Lechner, Jason M. Shaw, and Cody A. Schmitt from probationary firefighter to regular firefighter.

A **motion** was made by Ambrose ‘Butch’ Schitter and seconded by Thomas Schmidt to change the status for Michael W. Decker, Bret J. Vaal, Tyler L. Lechner, Jason M. Shaw, and Cody A. Schmitt from probationary to regular firefighter effective June 29, 2010. Motion carried 2-0.

## **CANINE COMPENSATION AGREEMENT**

Police Chief Douglas Tarvin asked the board to approve a Canine Compensation Agreement with Mike Stallman for a six-month period from July 1, 2010 to December 31, 2010.

A **motion** was made by Thomas Schmidt and seconded by Ambrose 'Butch' Schitter to approve the agreement with Officer Stallman. Motion carried 2-0.

## **GRANT**

Police Chief Douglas Tarvin said the City received grant funding from the Dubois County Substance Abuse Council totaling \$3,650.00; \$800.00 will be applied towards the purchase of a taser and \$2,850.00 towards the purchase of an in-car camera system.

## **REMOVE ASSETS**

Police Chief Douglas Tarvin said the department has two inoperable mobile vision in-car VHS cameras that are not feasible to repair. He asked to remove asset #101416 and #101999 from the asset inventory and trade in.

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to remove asset #101416 and #101099 from the police department assets. Motion carried 2-0.

## **IN-CAR VIDEO CAMERAS**

Police Chief Douglas Tarvin asked permission to purchase two in-car video camera systems. He obtained the following quotes:

### **Advanced Radio Communications**

ICOP Model 20/20-W	\$5200.00 each
ICOP Model 20/20-W demo	\$4350.00 each
Eye 3 Data Police Car Camera system	\$3250.00 each
Installation fee included on all models	

### **Decatur Electronics**

Responder 1000	\$3550.00 each
Installation fee	\$ 200.00 each
Trade in obsolete camera	<u>\$- 700.00</u> each
Net price	\$3050.00 each

Tarvin recommended accepting the quote from Decatur Electronics. He said \$3250.00 would come from the police department equipment line item and \$2850.00 would come from the grant fund.

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to grant the police chief permission to purchase two cameras at \$3,050.00. Motion carried 2-0.

### **IVY MANOR PARKING**

Police Chief Douglas Tarvin said he will speak to the individuals who live on the north side of 9<sup>th</sup> Street and park across the street in front of Ivy Manor about the parking situation for Ivy Manor's customers.

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to table the request from Ivy Manor to see if it can be addressed in another way. Motion carried 2-0.

It was noted that the assistant chief may already have spoken to the individuals.

### **EASEMENT**

City Attorney Sandra Hemmerlein presented the following easement for acceptance and approval:

*Grant of Permanent Streetlight Easement*

Erik D. Womeldorf and Shala C. Cunningham

Part of Lot 7 in Grassland Hill West 2<sup>nd</sup> Addition

A **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to approve and accept the easement as described by the City Attorney. Motion carried 2-0.

**ADJOURNMENT.** There being no further business to come before the board a **motion** was made by Ambrose 'Butch' Schitter and seconded by Thomas Schmidt to adjourn the meeting. Motion carried 2-0 and the meeting adjourned at 9:15 a.m.

The minutes were hereby approved \_\_\_\_ with \_\_X\_\_ without corrections or clarification this 13<sup>th</sup> day of July, 2010.

---

**William J. Schmitt, Mayor**  
**Presiding Officer**

**Attest:**

---

**Juanita S. Boehm, Clerk-Treasurer**

Margaret A. Kress, Recording